

L A W S

OF

His Majesty Kamehameha V.,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

LEGISLATIVE ASSEMBLY

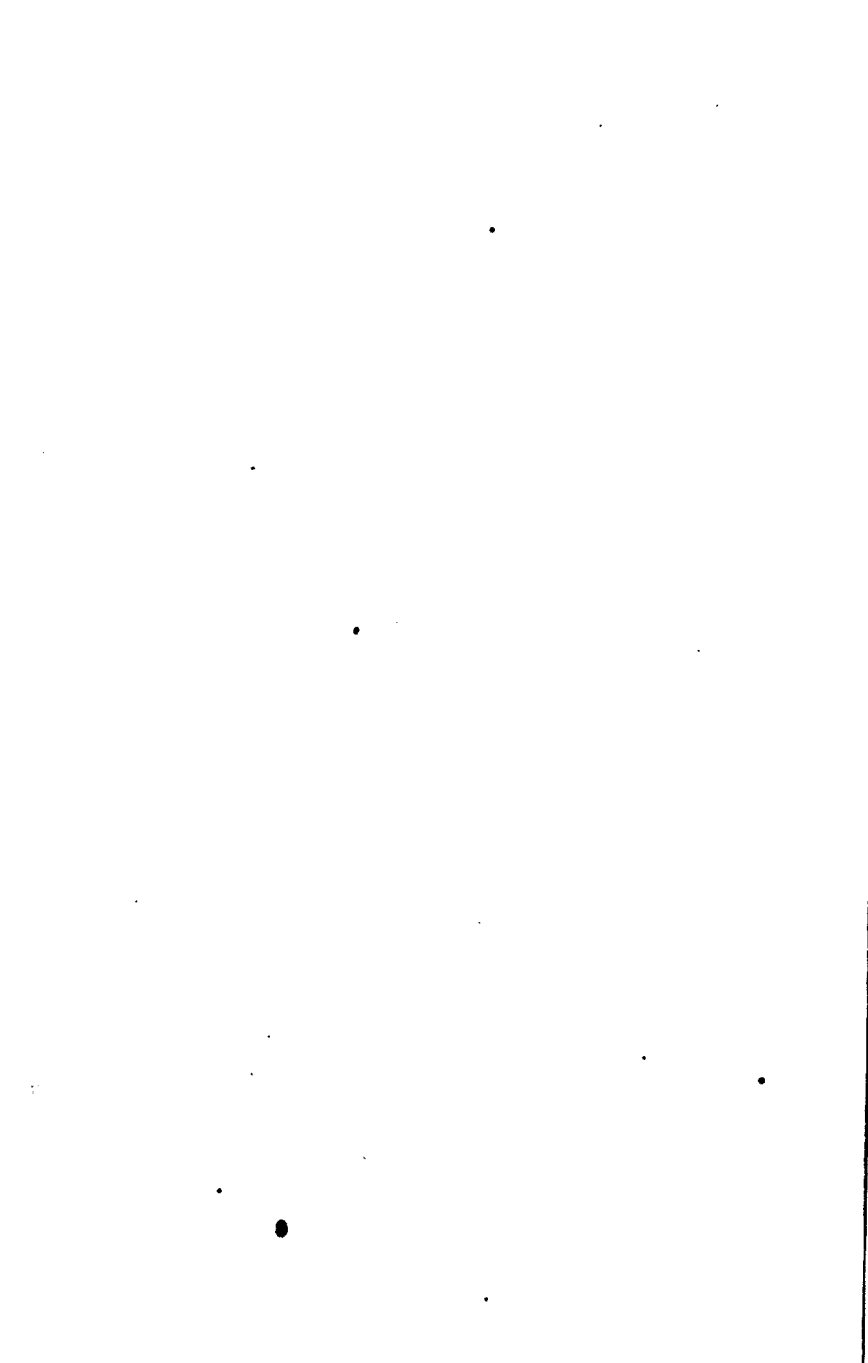
AT ITS SESSION, 1872.

PUBLISHED BY AUTHORITY.

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1872.



SESSION LAWS—1872.

CHAPTER 1.

AN ACT

TO AMEND SECTION 1448, CHAPTER 32 OF THE CIVIL CODE
RELATING TO THE DESCENT OF PROPERTY.

*Be it Enacted by the King and the Legislative Assembly of the
Hawaiian Islands in the Legislature of the Kingdom assembled.*

SECTION 1. That Section 1448 of the Civil Code be, and the same is hereby amended by inserting the following words, after the words "shall be preferred to the others" in the latter part of the present Section, viz ;

"If the intestate be a woman, and leave no issue, her estate shall descend one half to her husband, and the other half to her father and mother as tenants in common, and if she leave no husband, nor issue, the whole shall descend to her father and mother or to either of them if only one be alive ; if she shall leave no issue, nor father, nor mother, her estate shall descend one half to her husband and the other half to her brothers and sisters, and to the children of any brother or sister by right of representation :

If she shall leave no issue nor father or mother, and no brother or sister, her estate shall descend one half to her husband, if any, and one half to the brothers and sisters of her father and mother and to their children and heirs by right of representation : and if she leave no husband then such collateral heirs shall inherit the whole estate : provided, always, that if the estate shall come through either parent, the brothers and sisters of that parent shall be preferred to the others."

SECTION 2. This Act shall become a law from and after the date of its passage and all laws and parts of laws in conflict with or repugnant to the provisions of this Act are hereby repealed.

Approved this 3d day of June, A. D. 1872.

KAMEHAMEHA R.

CHAPTER II.

AN ACT

TO PREVENT THE USE OF EXPLOSIVE SUBSTANCES IN TAKING FISH.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. No person shall use Giant Powder, or any other explosive substance in taking fish within or upon any harbors, streams, reefs or waters within the jurisdiction of this Kingdom.

SECTION 2. Whoever violates the provisions of the preceding Section shall be punished by a fine, not exceeding Five Hundred Dollars, and not less than Twenty Five Dollars, or by imprisonment at hard labor, not exceeding Five years, and not less than three months, or both, at the discretion of the Court.

SECTION 3. The several District Justices and Police Courts shall have concurrent jurisdiction in all cases under this Act.

Approved this 3d day of June, A. D. 1872.

KAMEHAMEHA R.

CHAPTER III.

AN ACT

TO AMEND SECTIONS 1006 AND 1007, OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. Section 1006, of the Civil Code, be and the same is hereby amended so as to read as follows :

“ SECTION 1006. Any party deeming himself aggrieved by the decision of any Police or District Justice in any case whether civil or criminal may appeal therefrom to the Circuit Court or to the Supreme Court, by giving notice of his appeal within five days after the rendering of such decision, and within ten days after the date of such decision paying the costs accrued, and, if it is a civil case, depositing a good and sufficient bond in the penal sum of one hundred dollars, conditioned for the payment of the costs further

to accrue in case he is defeated in the Court above: Provided, always, that where such appeal is taken solely upon exceptions to the decision of the justice on points of Law, the appeal shall be heard and determined by the appellate court in *Banco*."

SECTION 2. Section 1007, of the Civil Code, be and the same is hereby amended so as to read as follows :

"SECTION 1007. Any party deeming himself aggrieved by the decision of any Circuit Judge at Chambers, in any case whether civil or criminal may appeal therefrom to the Circuit Court or the Supreme Court, by giving notice of such appeal within five days after the rendering of such decision, and within ten days after the date of such decision paying the costs accrued before the Circuit Judge, and, if it is a civil case, depositing a good and sufficient bond in the penal sum of fifty dollars, conditioned for the payment of the costs further to accrue, in case he is defeated in the court above: Provided, always, that where such appeal is taken solely upon exceptions to the decision of the Circuit Judge on points of Law, the appeal shall be heard and determined by the appellate court in *Banco*."

SECTION 3. This Act shall become a law from and after the date of its passage.

Approved this 3d day of June A. D. 1872.

KAMEHAMEHA R.

CHAPTER IV.

AN ACT

TO PREVENT VICTUALLING HOUSE, RESTAURANT AND COFFEE SHOP KEEPERS FROM KEEPING OPEN HOUSE ON SABBATH EVENING.

Be it Enacted, by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. No Keeper of a Victualling House, Restaurant or Coffee Shop, shall keep his house, restaurant, or coffee shop, open after seven o'clock, on Sabbath afternoon.

SECTION 2. Any one violating Section 1 of this Act shall be fined on conviction before any Police or District Justice, not more than one hundred dollars nor less than twenty dollars for each offence, in the discretion of the Court.

SECTION 3. All laws and parts of laws, in contravention of this Act are hereby repealed

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

CHAPTER V.

AN ACT

TO AUTHORIZE A SPECIAL LOAN.

WHEREAS a Public Hotel has been erected at Honolulu, known at present as the Hawaiian Hotel; And whereas the said Hotel has been erected solely for the public benefit and not for the profit of the projectors; And whereas it appears proper, just and advisable that the construction of the said Hotel shall be assumed as a public enterprise, and the ground purchased for the purpose, as well as the buildings thereon situated, should be public property; Now therefore;

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That the Minister of Finance be and he is hereby authorized to issue the Bonds of the Hawaiian Government to be known as Hotel Bonds to an amount not exceeding One Hundred and Sixteen Thousand Dollars, Seventy-four Thousand Dollars of which shall bear interest not to exceed Nine per cent, per annum; the remaining Forty-two Thousand Dollars to be devoted to the cancellation of the Bonds issued by the Minister of Finance, dated October 16th 1871, and known as the "Hotel Bonds," and to bear interest payable only from the profits of the Hawaiian Hotel, at a rate not to exceed nine per cent per annum; the interest to be payable half yearly, and the said Bonds to be redeemable at such times within the next Twenty Years, as the Minister of Finance shall deem expedient, and to be made due and payable at the Hawaiian Treasury.

SECTION 2. Upon the issuing of the Bonds as in the preceding Section provided, the Minister of the Interior is hereby directed to purchase for the said sum of One Hundred and Sixteen Thousand Dollars, the real and personal property now pertaining to and constituting the Hawaiian Hotel, and to receive good and sufficient Conveyances and Bills of Sale for the same, conveying and transferring the said property to the Hawaiian Government.

SECTION 3. This Act shall become a law from and after the date of its passage.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER VI.

AN ACT

FOR THE PROTECTION OF PARTIES TO CONTRACTS AUTHORIZED BY
SECTION 1417 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. Every Contract for service, authorized by Section 1417 of the Civil Code, shall, in order to its validity, be acknowledged by the Master or his duly empowered agent, and the Servant, before some officer of the Government now authorized to take acknowledgments, or before some Agent to take acknowledgments of Contracts, as hereinafter provided, and the certificate of acknowledgment shall be substantially as follows:

Island of _____ }
Hawaiian Islands } s. s.

On this — day of — A. D. —, personally appeared before me — Master, and —, Servant, known to me (or satisfactorily proved to me by the oath of A. B.) to be the persons executing the above Contract, and the same having been by me read and explained to them, they severally acknowledged that they understood the same and that they had executed the same voluntarily and upon the terms and conditions therein set forth.

SECTION 2. In order to carry out the provisions of this Act, the Minister of the Interior is hereby authorized to appoint Agents in each election district of this Kingdom, who shall have the power to take acknowledgments to the Contracts authorized by Section 1417 of the Civil Code.

SECTION 3. The officer taking the acknowledgment shall be entitled to a fee of Fifty Cents for each Contract, to be paid by the Master, and no charge shall be made for the certificate of acknowledgment on the copy of the Contract furnished the servant: Provided, however that no officer shall take an acknowledgment to any Contract in which he is interested.

SECTION 4. The officer before whom the acknowledgment as above provided is taken, shall cause the money advanced to be paid to the servant in his presence, and shall keep an accurate record of the Contracts acknowledged before him, which record shall set forth the names and residences of the parties, the date and term of the Contract, the amount of advance paid and the wages stipulated for.

SECTION 5. Every Contract for Service acknowledged in the manner herein above provided, may be read in evidence without further proof, against any party whose identity has been established; but the said certificate of acknowledgment shall not be conclusive, but may be rebutted by competent testimony.

SECTION 6. No fee paid by the Master to any Agent, runner or middle-man for the purpose of procuring the services of any servant under the provisions of the 1417 Section of the Civil Code, shall be charged to such servant or deducted in any way from such servant's wages.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R

CHAPTER VII.

AN ACT

TO AUTHORIZE A LOAN.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. The Minister of Finance, under the direction of His Majesty the King in Cabinet Council, is hereby authorized to issue Exchequer Bonds with Coupons attached, to an amount not exceeding Two Hundred and Fifty Thousand Dollars; said Bonds to bear interest, not exceeding Nine per cent per annum, payable semi-annually. Said Bonds shall be signed by the Minister of Finance, and countersigned by the Registrar of Public Accounts, and shall have upon them the following words, to wit; "Issued under an Act to authorize a Loan approved the — day of — 1872" and said Bonds shall be made payable at such time as shall be specified upon their face, but not later than Twenty Years from the day of their date.

SECTION 2. The Act to authorize a Loan approved the 23d day of June 1868, is hereby repealed.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER VIII.

AN ACT

TO AMEND AN ACT APPROVED ON THE 18TH DAY OF JULY 1870 ENTITLED "AN ACT TO ENCOURAGE THE ESTABLISHMENT OF WOOLEN AND COTTON FACTORIES."

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled.

SECTION 1. That Section 2 of an Act approved on the 18th day of July A. D. 1870, entitled "An Act to encourage the establishment of Woolen and Cotton Factories," be and the same is

hereby amended by striking out the following words in the latter part of said Section, to wit: "Provided that the said Factory or Factories are of sufficient capacity to manufacture and consume all the Wool and Cotton produced at the time of their erection."

SECTION 2. That Section 5th of the said Act be and the same is hereby amended so as to read as follows, to wit: "Section 5. The provisions of Sections 1 and 2 of this Act shall not extend beyond the 18th day of July A. D. 1876."

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER IX.

AN ACT

TO AMEND SECTION 246, OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That Section 246 of the Civil Code be and the same is hereby amended, by inserting the words "not less than twenty nor more than," in the fifth line thereof, after the word "treasury," so that the said Section as amended shall read as follows:

"SECTION 246. If any person shall set the confined animal of another at liberty, in order that it may trespass on any cultivated ground or shall by any means designedly decoy any animal to commit a trespass, he shall, for every such offence, forfeit and pay for the benefit of the public treasury, not less than twenty nor more than the sum of One hundred dollars, or be imprisoned at hard labor not less than six months, nor more than two years."

SECTION 2. This Act shall become a law from and after the date of its passage.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER X.

AN ACT

TO AMEND SECTION 1360 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That Section 1360, of the Civil Code be and the same is hereby amended, so as to read as follows:

“SECTION 1360. Upon the taking of any Inventory required by this Chapter, the estate and effects comprised therein shall, if the judge deem it necessary, be appraised by from one to three suitable persons, to be appointed and sworn by the Judge, and every guardian shall account for and dispose of the personal estate of the ward as directed by the Judge.

SECTION 2. This Act shall become a law from and after the date of its publication.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XI.

AN ACT

TO AMEND AN ACT, ENTITLED, “AN ACT TO AMEND THE LAW IN RELATION TO THE ASSESSMENT AND COLLECTION OF TAXES,” APPROVED THE 30TH DAY OF JUNE, A. D. 1860.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That Section 14 be and the same is hereby amended by striking out the words “the Assessor or the Senior Assessor, where two Assessors are appointed, and one person.” and inserting in their stead the following words, “and two disinterested persons.” so that the Section shall read as follows:

“SECTION 14. The Police Magistrate, or District Judge, where there is no Police Magistrate, and two disinterested persons to be appointed by the Minister of Finance, shall constitute a Board

of Appeal for each Taxation District of this Kingdom, from the decision of the Assessor or Assessors of Taxes, Provided always, that where the Police Magistrate or District Justice shall have been appointed as Assessor of his district, the Minister of Finance shall appoint a substitute to act in his place on the said Board of Appeal."

SECTION 2. That Section 17 be and the same is hereby amended by substituting the word "members" for "member," the word "their" for "his," and the word "appointees" for "appointee," so that the said Section shall read as follows :

"SECTION 17. The members of the Board appointed by the Minister of Finance, shall receive, out of the Public Treasury, compensation for their services while on the Board, at a rate not exceeding Five Dollars per day for each day's actual attendance, and where a substitute for the Police or District Justice is appointed, as provided in Section 14, the said substitute shall be paid by the said Magistrate or Justice, at the same rate as the paid appointees of the Minister of Finance."

SECTION 3. The Assessor or Assessors shall on or before the first day of October in each year, send written notices to those owners of real estate within their respective districts who are non-resident of such district and within this Kingdom, describing the property assessed to them, and stating the proposed valuation for such property.

SECTION 4. This Act shall take effect from and after the date of its passage.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

CHAPTER XII.

AN ACT

TO AMEND SECTION 924 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That Section 924 of the Civil Code be and the same is hereby amended so as to read as follows :

“SECTION 924. Nothing contained in this Article shall be construed to prevent one person from being appointed District Justice for more than one District, and whenever such an appointment is made, the said District Justice shall have jurisdiction over the several districts, precisely as if they had been included in one district by the division of the several Islands into districts for other purposes.”

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XIII.

AN ACT

TO AMEND SECTION 18 AND SUBDIVISIONS 1, 2, 3, AND 4 OF SAME SECTION, CHAPTER 29 OF PENAL CODE.

WHEREAS it is inexpedient that persons adjudged guilty of Contempt of Court should be liable to be punished with imprisonment at Hard Labor, therefore :

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. Hereafter it shall not be lawful for any Court, Judge, Police Justice, District Justice, Coroner or any other person having power to inflict punishment upon any person who may be adjudged guilty of contempt, to add the punishment of hard labor to any sentence which may be passed upon any such person adjudged guilty as aforesaid.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R

CHAPTER XIV.

AN ACT

TO AMEND AN "ACT TO REGULATE THE AWARDING AND DISTRIBUTION OF WATER IN THE DISTRICT OF LAHAINA, ISLAND OF MAUI."

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom Assembled.

SECTION 1. That Section 1 of "An Act to regulate the awarding and distribution of Water in the District of Lahaina, Island of Maui," approved on the 19th day of July, A. D. 1870, be, and the same is hereby amended by striking out the words "twenty-one," in the tenth line, and inserting in the place thereof the word "ten," so that the Section shall read as follows:

"SECTION 1. Upon the application in writing, duly made by any parties, to the Commissioners of Private Ways and Water Rights, for a re-adjustment of water rights, in the District of Lahaina, Island of Maui, the said Commissioners shall cause notice to be given to all parties known to be interested, by delivering them a copy of such application, and a notice of the time and place appointed for hearing, and also cause public notices to be posted up at the Court-house in Lahaina, and at least three other public places in said Lahaina, all of which notices shall be delivered and posted at least ten days before the day appointed for a hearing:"

SECTION 2. That Section 2. of said Act be, and the same is hereby amended, by adding thereto certain words to be entitled "Section 2A," and to read as follows:

"SECTION 2A. No person shall be allowed to take the water or any portion of the water which has been awarded, or which may hereafter be awarded to any Ahupuaa, Ii, or parcel of land, except during the time provided in the award of water for such Ahupuaa, Ii, or parcel of land."

SECTION 3. This Act shall become a law from and after the date of its passage.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R

CHAPTER XV.

AN ACT

TO AMEND AN ACT TO PROVIDE FOR THE DEPOSIT OF CERTAIN MONIES IN THE PUBLIC TREASURY, APPROVED ON THE 30TH DAY JUNE 1862.

Be it Enacted, by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That the Act entitled An Act to provide for the Deposit of Certain Monies in the Public Treasury, approved on the 30th day of June 1862 be and the same is hereby amended by striking out the Third Section of said Act.

SECTION 2. That the 4th Section of the said Act be, and the same is hereby amended by striking out all the words after the word "guardian" so that Section 4 which by this enactment will become Section 3 of the said Act shall read as follows :

"The Provisions of this Act shall not be held to affect the powers vested by Will in any Executor or Guardian."

SECTION 3. This Act shall take effect immediately.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XVI.

AN ACT

TO AMEND AN ACT APPROVED ON THE 23D DAY OF JUNE A. D. 1868, ENTITLED "AN ACT TO REGULATE THE SALE OF DEADLY POISONS."

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. Section 1 of the said Act shall be amended so as to read as follows :

"No person shall sell or deliver any deadly poison, or any wooden vessel or container which shall have contained any deadly poison, except for scientific, medicinal or mechanical purposes nor

to any person not known to the Vendor to be careful and well disposed. Provided that sales may be made to a person not known to the Vendor, if some responsible person known to the Vendor, will certify in writing that the person desiring to purchase may safely be entrusted with the same, but in all cases the Vendor shall require the purchaser to disclose the intended use of such poison, vessel or container as the case may be.

SECTION 2. The book required to be kept by Section 2, of the said Act shall contain a record of the sale of any vessel or container which shall have contained a deadly poison in like manner as is required with respect to the sale or delivery of the poison itself.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XVII.

AN ACT

RELATING TO INTER-ISLAND STEAM NAVIGATION.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. The Minister of the Interior is hereby authorized to purchase or to contract for the building of a Steamer for the performance of the inter-island steam service and to pay therefor a sum not exceeding Eighty Thousand Dollars; Provided that such steamer shall possess good sea going qualities, and shall be competent to perform the trip around Hawaii each and every week.

SECTION 2. In order to carry out the provisions of this Act the Minister of the Interior is hereby authorized to draw on the Minister of Finance to an amount not exceeding Eighty Thousand Dollars, and the Minister of Finance is hereby authorized to pay such Drafts out of any moneys in the Treasury not otherwise appropriated.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XVIII.

AN ACT

RELATING TO INTERLOCUTORY ORDERS IN DIVORCE CASES.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

The several Justices of the Supreme Court, at Chambers, after the filing of any libel for divorce, may pass the orders authorized by the tenth Section of Chapter XVI of the Act of 1870, entitled "An Act relating to Divorce," and such orders may be revised and amended from time to time by said Court, or any Justice thereof, or by any Circuit Court having jurisdiction of the cause.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XIX.

AN ACT

TO PROVIDE FOR HOLDING AN ADDITIONAL TERM IN THE FOURTH JUDICIAL CIRCUIT.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled.

SECTION 1. A Term of the Circuit Court within and for the Fourth Judicial Circuit, shall be holden at Nawiliwili on the first Tuesday of February in each year in addition to the Term now prescribed by law.

SECTION 2. The first Term of the Court holden by authority of this Act, shall be holden on the first Tuesday in February, which shall be in the Year One Thousand Eight Hundred and Seventy Three.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XX.

AN ACT

TO AMEND THE LAW RELATING TO JURIES.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

That so much of Section fourth, Chapter 17, of the Laws of 1870, entitled "An Act in relation to the preparation of Jury Lists and the drawing of Juries," as requires the names of Jurors to be published, be and the same hereby is repealed.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXI.

AN ACT

TO REGULATE THE ISSUING OF ROYAL PATENTS.

WHEREAS, Large numbers of Ahupuaas and Ilis of land in this Kingdom were awarded by the Commissioners to Quiet Land Titles, by name only, and not by survey or defined boundaries; And, Whereas, the Government commutation in many instances is not paid, nor the boundaries of such lands certified to; And, Whereas, in many cases the original holders of such awards have deceased, or the title to the said lands or to portions of said lands has passed into other hands: Therefore,

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. Every Royal Patent hereafter issued upon an award of the Board of Commissioners to Quiet Land Titles, shall be in the name of the person to whom the original award was made, even though such person be deceased or the title to the real estate thereby granted have been alienated: And all Royal Patents so issued shall inure to the benefit of the heirs and assigns of the holder of such original award.

SECTION 2. The Commissioners of Boundaries provided for by the Act approved on the 22nd of June A. D. 1868, entitled "An

Act to facilitate the settlement of boundaries &c.," shall receive and hear any and all applications for settlement of boundaries of portions of Ahupuaas, Iliis or other denominations of lands situated within the jurisdiction of such Commissioners and shall determine upon the same agreeably with the provisions of the said Act.

SECTION 3. Upon presentation to the Minister of the Interior, of a Certificate of a Commissioner of Boundaries defining the boundaries of a portion of an Ahupuaa, Ili or other denomination of land, as by Section two of this Act provided, the said Minister shall cause an appraisement to be made of the unimproved value of the said portion of land; and upon payment to the Minister of the Interior of the Government commutation in the said portion of land, upon the appraisement as above provided, the said Minister shall cause to be issued a Royal Patent for the said portion of land which said Royal Patent shall define the boundaries of said portion of land.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXII.

AN ACT

TO AMEND SECTION 509, OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That Section 509 of the Civil Code be and the same is hereby amended, by striking out all of said Section after the word "compensation," in the 5th line, so that the Section shall read as follows:

"SECTION 509. Each Tax Collector who shall have faithfully discharged the duties of his office and shall have paid, on or before the first day of January, to the Governor of the Island in which his district is situated, the amount of taxes by him collected, except the school tax, shall receive a compensation not exceeding five per cent, which, within that rate shall be regulated by the Minister of Finance, on the amount of taxes by him so collected and paid

over ; and shall receive the Governor's draft on the Minister of Finance for the amount of such compensation."

SECTION 2. This Act shall become a law from and after the date of its passage.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXIII.

AN ACT

RELATING TO MARRIAGE CONTRACTS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. In order to make valid the Marriage Contract, it shall be necessary that the respective parties be not to each other within the fourth degree of consanguinity ; that the male at the time of contracting the marriage shall be at least seventeen years of age, and the female at least fourteen years of age ; that the man shall not at the time have any lawful wife living and that the woman shall not at the time have a lawful husband living ; and it shall in no-case be lawful for any persons to marry in this Kingdom without a license for that purpose duly obtained from the agent duly appointed to grant licenses to marry.

SECTION 2. The 1284th Section of the Civil Code and the XXIV Chapter of the laws of the Year One Thousand Eight Hundred and Seventy are hereby repealed.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXIV.

AN ACT

TO AMEND SECTION 1423 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That Section 1423 of the Civil Code be and the same is hereby amended so that the Section as amended shall read as follows :

“SECTION 1423. If any Master shall be guilty of any cruelty, misusage, or violation of any of the terms of the contract, towards any person bound to service either under the 1417th or 1418th Sections, such person may make complaint to any District or Police Justice, who shall summon the parties before him, examine into, hear and determine the complaint, and in all such examinations the complainant shall be a competent witness; and if the complaint shall be sustained, such person shall be discharged from all obligations of service, and the Master shall be fined in a sum not less than five, nor more than one hundred dollars, and in default of the payment thereof, be imprisoned at hard labor until the same is paid.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXV.

AN ACT

TO MAKE ALL PERSONS RETAILING SPIRITUOUS AND INTOXICATING LIQUORS LIABLE IN DAMAGES FOR INJURIES DONE OR RECEIVED BY THOSE BECOMING INTOXICATED ON SUCH LIQUORS, AND AS THE RESULT OF SUCH INTOXICATION.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, or who being himself or herself intoxicated shall be thus injured in consequence of such intoxication, shall have a right of action in his or her own name, severally or jointly against any retailer or retailers of spirituous and intoxicating liquors, who shall by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons, for all damages sustained and for exemplary damages. And a married woman shall have the same right to bring suits under this Act and to control

the same and the amount recovered as a femme sole. And all damages recovered by a minor under this Act shall be paid either to such minor or to his or her parent, guardian or next friend as the Court shall direct.

SECTION 2. All suits for damages under this Act may be by any appropriate action in any of the Courts of the Kingdom having competent jurisdiction.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXVI.

AN ACT

TO AMEND SUBDIVISION 4, OF SECTION 15, OF CHAPTER 16, OF THE PENAL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That the 4th subdivision of Section 15 of Chapter 16 of the Penal Code, be and the same is hereby amended by striking out the words "a public whipping not exceeding twenty lashes or," and "Provided, however, that the punishment by whipping shall never be inflicted on any female," so that the Section as amended shall read as follows:

SECTION 15. Larceny is of four degrees, viz: * * *

"(4) All larceny to an amount less than five dollars, and all other larceny, not being in one of the preceding degrees, is such in the fourth degree, and shall be punished by imprisonment at hard labor not more than six months."

SECTION 2. This Act shall take effect from and after the date of its passage, and all laws and parts of laws conflicting with or repugnant to the provisions of this Act are hereby repealed.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXVII.

AN ACT

TO REGULATE THE CURRENCY.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. The currency of this Kingdom shall consist of the dollar of the value of one hundred cents United States coinage: the half dollar of the value of fifty cents; the quarter dollar of the value of twenty-five cents, and the dime and half dime of the value of ten cents and five cents respectively of the said coinage: and the half dollar or fifty cents silver coin of the United States of America shall be taken as the standard and be a legal tender at the value of a half dollar in all payments to be made in this Kingdom. Gold coins and silver coins other than those above named bearing the legalized impress of any Sovereign State shall also be receivable in payment of Government dues, duties and taxes, at the Exchequer, and in tender or payment of debts contracted by private individuals and payable in this Kingdom, at their value as fixed by the King in Privy Council, and published by the Minister of Finance in the Government Gazette. In case any of the said coins established as legal tender as above provided be refused, the payer having tendered the same, may bring them into Court, and plead such tender and refusal in bar of costs.

SECTION 2. Coins of the value of twenty-five cents or less shall be legal tender only as follows:

In all payments not exceeding ten dollars; and in all payments exceeding ten dollars, and not exceeding one hundred dollars in the proportion of fifteen dollars for every hundred; and in all payments exceeding one hundred, and not exceeding one thousand dollars, in the proportion of ten dollars for every hundred; and in the proportion of five dollars for every hundred in all payments exceeding one thousand dollars.

SECTION 3. All Acts and parts of Acts inconsistent with or contrary to the provisions of this Act are hereby repealed.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXVIII.

AN ACT

REQUIRING THE IDENTIFICATION OF PERSONS OFFERING ACKNOWLEDGMENTS TO INSTRUMENTS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. No acknowledgment of any conveyance or other instrument, whereby any real estate is conveyed or may be affected shall be taken, unless the person offering to make such acknowledgment shall be personally known to the officer taking the same, to be the person whose name is subscribed to such conveyance or instrument as a party thereto, or shall be proved to be such by the oath or affirmation of a credible witness known to the officer.

SECTION 2. The certificate of such acknowledgment shall state the fact of acknowledgment and that the person making the same was personally known to the officer granting the certificate to be the person whose name is subscribed to the instrument, as a party thereto, or was proved to be such by the oath or affirmation of a credible witness known to the officer whose name shall be inserted in the certificate.

SECTION 3. Such Certificate shall be substantially in the following form, to wit :

“ HAWAIIAN ISLANDS, }
ISLAND OF ----- } ss.

“ On this .. day of ----- A. D. ----, personally appeared before me A.B. known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein set forth.”

SECTION 4. When the person offering the acknowledgment is unknown to the officer taking the acknowledgment, the certificate shall be substantially in the following form, to wit :

HAWAIIAN ISLANDS, }
ISLAND OF ----- } ss.

On this .. day of ----- A. D. ----, personally appeared

before me A. B., satisfactorily proved to me to be the person described in and who executed the within instrument, by the oath of C. D. a credible witness for that purpose, to me known and by me duly sworn, and he the said A. B., acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein set forth.

SECTION 5. No certificate of acknowledgment contrary to the provisions of this Act shall be held valid in any Court of this Kingdom, nor shall it be entitled to be recorded in the Registry of Public Conveyances.

SECTION 6. This Act shall take effect and become a law from and after the date of its passage, but no certificate of acknowledgment executed before this Act shall take effect, shall in consequence of any thing herein contained be deemed invalid.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXIX.

AN ACT

TO REDUCE CERTAIN COSTS IN THE SUPREME, CIRCUIT AND PROBATE COURTS, AND TO ESTABLISH ATTORNEYS' FEES.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That in the Supreme and Circuit Courts the costs for every summons, attachment, execution or other process, shall be two dollars, for every subpoena one dollar; and there shall be no charge for drawing jury, issuing summons, and the service thereof on the panel of jurors.

SECTION 2. That the marshal's or sheriff's fees for serving a summons or any other process (except a subpoena) shall be one dollar for each party served therewith; for serving any execution or other process for the collection of money, five cents for every dollar collected up to five hundred dollars, and two and one half cents for every dollar over five hundred dollars; for every writ of possession or restitution, putting any person entitled into the posses-

sion of premises and removing a tenant pursuant to order of court one dollar, and that no fee be charged for attendance upon the Court.

SECTION 3. That the judge's fee for every attendance at chambers upon the hearing of any motion shall be one dollar.

SECTION 4. That in the Probate Courts, the costs for every citation or summons shall be one dollar; for every subpoena one dollar; for hearing proof and determining upon the validity of any will two dollars; for taking, stating and determining upon an account rendered, or deciding upon the distribution of personal estate, one dollar; for hearing and determining any objection to the appointment of an administrator or any application for his removal, or for the removal of any guardian, or any application to annul the probate of a will, one dollar; Provided, that in all cases where the value of the estate shall not exceed the sum of five hundred dollars, not more than ten dollars in addition to costs of advertising, shall be charged for costs of court, to comprehend all hearings and proceedings required by Statute or ordered by the Court, including final hearing and discharge of the executor, administrator, guardian or trustees.

SECTION 5. In all the Courts of this Kingdom, in all actions of assumpsit there shall be taxed as attorneys' fees, in addition to the attorneys' fees now taxable by law, to be paid by the losing party and to be included in the sum for which execution may issue, ten per cent on all sums to one hundred dollars, and two and one-half per cent in addition on all sums over one hundred dollars, to be computed on the excess over one hundred dollars. The above fee shall be assessed on the amount of the judgment obtained by the plaintiff and upon the amount sued for, if the defendant obtain judgment.

SECTION 6. This Act shall take effect and become a law from the day of its passage, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXX.

AN ACT.

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE NAMES,"
PASSED ON THE 24TH DAY OF AUGUST, A. D. 1860.

*Be it enacted by the King and the Legislative Assembly of the
Hawaiian Islands in the Legislature of the Kingdom assembled.*

SECTION 1. That Section 6th of an Act entitled "An Act to regulate Names" passed on the 24th day of August A. D. 1860, be and the same is hereby amended, by adding to said Section 6th the following words: "Except upon a decree of His Majesty the King in Privy Council, which decree shall be founded upon the petition of the person desirous of changing his or her name, and shall be duly published for the information of the public for at least four consecutive weeks in some public journal in such decree mentioned," so that the Section shall read as follows:

"SECTION 6. It shall not be lawful to change any name adopted or conferred under this law. It shall also not be lawful to change any name adopted or conferred before the operation of this law, except upon a decree of His Majesty the King in Privy Council, which decree shall be founded upon the petition of the person desirous of changing his or her name, and shall be duly published for the information of the public, for at least four consecutive weeks in some public journal in such decree mentioned."

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXXI.

AN ACT

TO FURTHER DEFINE THE NATURE AND OBLIGATIONS OF THE
CONTRACTS AUTHORIZED BY SECTIONS 1417 AND 1418 OF
THE CIVIL CODE.

WHEREAS, the law in relation to Masters and Servants has been misunderstood in some of its provisions and is wrongly interpreted by many persons: **And,**

WHEREAS, some legislation is necessary in order to prevent such misunderstandings in future and to further define the nature and obligations of the Contracts authorized by Sections 1417 and 1418 of the Civil Code ; Therefore ;

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. No contract of a married woman to serve another shall be valid in law, unless separated from her husband by decree of a court of competent jurisdiction; and in case any woman shall contract marriage while under contract to serve another, the marriage shall operate to annul said contract of service.

SECTION 2. In all cases when any person under contract to serve another, shall be sentenced by any court to make to his Master satisfaction for loss of time by desertion, by working for a period of time beyond that contracted for, he shall be paid his wages for such extra time worked at the rate stipulated for in the contract.

SECTION 3. No person bound by contract to serve another shall be held or compelled to work for any period of time beyond the date when the contract shall by its terms expire, in liquidation of any debt or advance made to said laborer during the term agreed for at the time of his engagement, and any clause introduced into the contract which shall contemplate any such service for any such advances shall be held utterly void and of no effect.

SECTION 4. All laws and parts of laws inconsistent with or repugnant to the provisions of this Act are hereby repealed.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXXII.

AN ACT

TO AMEND SECTIONS 184, 185 AND 186 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. Section 184 of the Civil Code shall be amended, so as to read as follows: "Upon the request of fifty or more tax

payers of any district to the Minister of Interior, that a new road, highway or street be opened, or that an old road, highway or street be shut up or widened or altered, or if it shall be made to appear to the Minister of Interior in any other way, that any road, highway or street should be opened, widened or otherwise altered, the said Minister of Interior shall request any Judge of a Court of Record to select a list of twenty four names from among the legal voters of the district in which the improvement or alteration is contemplated, from which such Judge shall direct the Marshal of the Kingdom, or the Sheriff of the Island in which the improvement is contemplated, to draw a jury of six persons to decide on the propriety of the measure proposed, and the decision of such jury or a majority of them shall be certified immediately to the Minister of Interior, who is hereby authorized and empowered to take action in accordance with such decision of such jury."

SECTION 2. Section 185 of the Civil Code shall be amended so as to read as follows:

"In laying out, closing or widening any road or highway, respect shall be had to the private vested rights of property which any individual may have in the land affected by any such proposed work. It shall be the duty of the Road Supervisor immediately after such proposed work shall be determined upon to cause notices to be posted along the line of such proposed new road, street or highway proposed to be closed, opened or widened or altered, advertising the fact and calling upon all parties interested therein to bring forward their claims to the nearest Circuit Judge, Police or District Justice, and it shall be the duty of such Judge or Justice to forward a list of all such claims to the Minister of the Interior."

SECTION 3. Section 186 of the Civil Code shall be amended so as to read as follows:

"Upon the receipt of such claims, if the Minister of the Interior and the several claimants cannot agree upon the amount to be paid to such claimants, the said Minister shall appoint three disinterested persons as Commissioners, or may request any Judge of a Court of Record to cause a jury to be summoned and drawn in like manner as in the first Section provided, to assess the value of

the private property, or such damage likely to be sustained by the owner or occupier of any land to be taken for the proposed improvement, whose decision or the decision of a majority of them shall determine the price to be given by the Government for such private property or for such damages as the case may be, and such Commissioners or jury shall send a certified copy of their decision to the Minister of the Interior and another to the claimant."

SECTION 4. And be it further enacted that all the provisions of the Act entitled "An Act to provide for the assessment of a part of the expense of constructing roads upon estates benefitted thereby," approved the 8th day of July 1870, shall be deemed and taken as applicable to the widening or altering of any road, street or highway, as in the previous Sections of this Act set forth and provided. Provided, always, that the jury provided for in this Act shall be taken and held to have the same powers and authority as the Commissioners provided for in the aforesaid Act passed on the 8th day of July 1870.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXXIII.

AN ACT

TO ESTABLISH A NATIONAL MUSEUM OF ARCHÆOLOGY, LITERATURE, BOTANY, GEOLOGY AND NATURAL HISTORY OF THE HAWAIIAN ISLANDS.

WHEREAS; We, as a nation, have taken our position among the civilized and enlightened nations of the earth, both in respect to capabilities of self-government, and in the facilities which we enjoy in our high and common schools in the diffusion of popular intelligence: And,

WHEREAS, a National Museum, representing the Archæology, Literature, Botany, Geology and Natural History of our Kingdom would be but another form of school for the education of our youth, as well as a repository for reference to the scientific world at large: And,

WHEREAS, every succeeding year is rendering it more difficult to gather from the archives of the past the mementos and relics of our early existence as a Nation, as well as of the pre-historic age of these Islands, therefore :

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. That the Board of Education be, and are hereby authorized to cause to be established in some suitable Government building, or chamber therein, to be designated and specially set apart therefor by the Minister of Interior, a National Museum in which shall be collected and preserved, all such articles illustrating the Archaeology, Literature, Botany, Geology and Natural History of the Kingdom, as may come into its possession from time to time, either by gift or by purchase.

SECTION 2. The Board of Education is hereby further empowered to frame such rules and regulations in connection with the Museum to be established as herein before mentioned, not in contravention with existing Statutes, as it may deem best adapted to secure its permanency and efficiency as a repository for reference in the various branches of science which may be represented therein, and to cause such rules and regulations to be published for the benefit of the public. It may also employ such means as may be placed at its disposal from time to time, in such a manner as it may deem best to further the objects of this Act.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXXIV.

AN ACT

TO ENABLE THE COMMISSIONERS OF CROWN LANDS TO CONVEY A CERTAIN PARCEL OF LAND BELONGING TO THE ROYAL DOMAIN.

WHEREAS, By an Act approved January 3d 1865, entitled "An Act to relieve the Royal Domain from incumbrances, and to render the same inalienable," it was enacted among other things "that so many of the lands, which by the Statute enacted on

the 7th of June, 1848, are declared to be the private lands of His Majesty Kamehameha III., to have and to hold to himself, his heirs and successors forever, as may be at this time unalienated, and have descended to His Majesty Kamehameha V., shall be henceforth inalienable, and shall descend to the heirs and successors Hawaiian of the Crown forever; and it is further enacted, that it shall not be lawful hereafter, to execute any lease or leases, for any term of years to exceed thirty."

AND WHEREAS, Kamehameha IV. did during his lifetime sell and agree to convey to Kahilekaula (k) a certain piece or parcel of land in the Ili of Halaula alua, Wailuku, Island of Maui, bounded and described as follows: E hoomaka ma ke kihi Hikinā-Hema a e holo ana Akau 26° Ko. 3.50 kaul. e pili ana me Naleipuleha; Hema 66° Ko. 4.29 kaul. e pili ana me ka Auwai; Hema 31½ Hi. 2.54 kaul. e pili ana me Lumilani; Akau 56° Hi. 2.00 kaul. e pili ana me Kaimu a me Napela; Hema 30° Hi. 1.58 kaul. e pili ana me Kaimu a me Napela; Akau 60° Hi. 2.05 kaul. e pili ana me Napela a hiki i kahi i hoomaka ai. Ka Ili 1¼ Eka.

AND WHEREAS, the said Kamehameha IV. did at the time when the said contract of sale was made, have good right and lawful authority to make the same, and a valuable consideration was paid; Now Therefore,

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

That the Commissioners of Crown Lands be, and are hereby authorized and empowered to make a good and valid conveyance of the above described tract of land, which said conveyance shall be of the same effect in law, as though the same had been made by his aforesaid Majesty Kamehameha IV. in his lifetime.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXXV.

AN ACT

MAKING SPECIFIC APPROPRIATIONS FOR THE USE OF THE GOVERNMENT DURING THE TWO YEARS, WHICH WILL END WITH THE THIRTY-FIRST DAY OF MARCH IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.

SECTION 1. The following sums amounting to One Million, One Hundred and Thirty Thousand, Two Hundred and Forty Four Dollars, are hereby appropriated out of any money in the Treasury, for the service of the Biennial Fiscal Period, commencing with April 1st 1872, and ending with March 31st 1874, viz :

CIVIL LIST.

His Majesty's Privy Purse and Royal State	\$45,000
His Majesty's Chamberlain and Secretary.....	5,000
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	\$50,000

PERMANENT SETTLEMENT.

Her Majesty Queen Emma.....	\$12,000
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LEGISLATURE AND PRIVY COUNCIL.

Expenses of Legislature 1872.....	\$15,000
Secretary of Privy Council, \$5 each meeting..	200
Stationery and Incidentals Privy Council.....	100
Completing Copy of Privy Council Records.....	200
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	\$15,500

JUDICIARY DEPARTMENT.

Salary of Chancellor and Chief Justice.....	\$10,000
Salary of First Associate Justice.....	8,000
Salary of Second Associate Justice.....	8,000
Salary of Clerk of the Supreme Court.....	4,000
Salary of Deputy Clerk of the Supreme Court.....	2,400
Salary of Interpreter Supreme and Police Courts.....	2,000
Salary of Circuit Judge, Oahu.....	2,400
Salary of Circuit Judge, Maui.....	3,000
Salary of Circuit Judges of Hawaii.....	3,600
Salary of Circuit Judge, Kanai.....	2,000
Salary of Police Judge, Honolulu.....	4,000
Salary of Police Judge, Hilo, Hawaii.....	2,000

Salary of Police Judge, of Lahaina, Maui.....	\$ 2,000
Salary of District Judge of Puna, Hawaii.....	600
Salary of District Judge of Kau, Hawaii.....	600
Salary of District Judge of North Kona, Hawaii.....	450
Salary of District Judge of South Kona, Hawaii.....	450
Provided, if there be two Judges appointed for North and South Kona, each shall receive the sum of Six Hundred Dollars.	
Salary of District Judge of North Kohala, Hawaii.....	600
Salary of District Judge of South Kohala, Hawaii.....	600
Salary of District Judge of Hamakua, Hawaii.....	600
Salary of District Judge of Wailuku, Maui.....	700
Salary of District Judge of Makawao, Maui.....	600
Salary of District Judge of Hana, Maui.....	600
Salary of District Judge of Kaupo, Maui.....	600
Salary of District Judge of Molokai.....	600
Salary of District Judge of Lanai.....	400
Salary of District Judge of Ewa and Waianae, Oahu.....	600
Salary of District Judge of Waialua and Koolauloa, Oahu.....	600
Salary of District Judge of Koolaupoko, Oahu.....	600
Salary of District Judge of Hanalei and Anahola, Kauai..	600
Salary of District Judge of Lihue, Kauai.....	600
Salary of District Judge of Koloa, Kauai.....	600
Salary of District Judge of Waimea, Kauai.....	600
Salary of Clerk of 2d Judicial Circuit Court.....	400
Salary of 1st Clerk of 3d Judicial Circuit Court.....	300
Salary of 2d Clerk of 3d Judicial Circuit Court.....	300
Salary of Clerk of 4th Judicial Circuit Court.....	300
Stationery and Incidentals for all the Courts inclusive of expenses of printing and postage.....	1,300
Expenses of Supreme Court.....	1,700
Expenses of witnesses in criminal cases tried in the Supreme and Circuit Courts, to be allowed by the presiding Justice.....	300
Expenses of Court 2d Judicial Circuit.....	1,200
Expenses of Court 3d Judicial Circuit.....	1,500
Expenses of Court 4th Judicial Circuit.....	600
Purchase of Law Books.....	500
Claim of Kauehoalani for costs.....	50
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	\$73,450

DEPARTMENT OF FOREIGN AFFAIRS AND WAR.

Salary of Minister.....	\$10,000
Salary of Secretary.....	4,000
Office expenses of Foreign Agents.....	2,000
Postage and Incidentals.....	2,000
Expenses of Foreign Missions.....	5,000

Salary of H. M. Charge d'Affaires, London	\$ 1,600
Support of Military	68,000
To promote the return of indigent native Hawaiians from abroad.....	1,500

 \$94,100

INTERIOR DEPARTMENT.

Salary of Minister.....	\$ 10,000
Salary of Chief Clerk.....	4,000
Salary of Second Clerk.....	3,000
Salary of Governor of Oahu.....	3,600
Salary of Governor of Maui.....	3,600
Salary of Governor of Kauai.....	2,400
Salary of Governess of Hawaii.....	3,000
Salary of Lieutenant Governor of Hawaii.....	2,000
Salary of Clerk of Governor of Oahu.....	800
Salary of Clerk of Governor of Maui.....	1,000
Salary of Clerk of Governor of Kauai.....	1,000
Salary of Clerk of Governess of Hawaii.....	2,000
Salary of Jailor of Oahu Prison.....	3,000
Salary of Water Supervisor and Clerk of Market.....	3,600
Salary of Postmaster General.....	5,000
Salary of 1st Clerk of Post Office.....	2,400
Salary of 2d Clerk of Post Office.....	832
Pay of Postmasters on Hawaii.....	800
Pay of Postmasters on Maui, Molokai and Lanai.....	1,000
Pay of Postmasters on Kauai.....	400
Pay of Mail Carriers.....	6,566
Incidental and other expenses of Post Office.....	4,234
Pay of Road Supervisors.....	9,000
Pay of Keeper of Royal Mausoleum.....	600
Expenses of Mausoleum.....	500
Pay of Messengers.....	1,144
Incidentals of Interior Office.....	2,000
Rent of Government Offices.....	2,400
Rent of Wharf Lot.....	2,000
Purchase of Road Stock.....	1,500
Road Damages.....	3,000
Roads and Bridges, Oahu.....	8,000
For Bridge at Waiawa Stream, Ewa.....	3,000
Roads and Bridges, Kauai.....	2,000
Roads and Bridges, Maui.....	4,000
Roads and Bridges, Hilo, Hawaii.....	8,000
Roads and Bridges, Puna, Hawaii.....	1,000
Roads and Bridges, Kau, Hawaii.....	2,000
Roads and Bridges, Kona, Hawaii.....	2,000
Roads and Bridges, Kohala, Hawaii.....	2,000

Roads and Bridges, Hamakua.....	\$ 1,000
Roads and Bridges, Molokai and Lanai.....	2,000
Bridge at Hanalei.....	1,200
Leper Establishment.....	30,000
Traveling Physicians and Nurses.....	12,000
General Expenses of Board of Health.....	18,000
Insane Asylum.....	14,000
Aid to Queen's Hospital.....	16,000
For Alterations and Repairs, Queen's Hospital premises..	3,500
Purchase of Books for Government Library.....	1,000
Government Surveying.....	12,000
Government Printing.....	12,000
Support of Prisoners.....	9,000
Encouragement of Agriculture.....	3,000
Fire Department, Honolulu.....	10,400
Interpreting and Translating.....	1,000
New Water Pipes.....	4,000
Expenses of Bureau of Water Works.....	6,000
Inter-Island Steam Navigation.....	12,000
Running Expenses Steamer Pele.....	11,000
Anchors and Buoys.....	2,600
For Anchor and Buoy at Punaluu.....	1,000
Dredging Honolulu Harbor.....	9,000
Repairs of Wharves.....	10,000
Purchase of Wharf at Kaalualu.....	250
Repairs of Wharf at Koloa.....	500
Repairs of Wharf at Kaawaloa.....	900
Sheds on Wharves.....	6,000
Expenses of Lighthouse, Honolulu.....	1,500
Expenses of Lighthouse, Lahaina.....	500
Expenses of Lighthouse, Hilo.....	400
Expenses of Lighthouse, Kawaihae.....	300
Royal Palace.....	50,000
Completing new Government Offices.....	50,000
New Custom House Stores.....	10,000
Court House, Puna, Hawaii.....	800
Addition to Police Station, Hilo, Hawaii.....	200
Court House, Lanai.....	700
Court House, Koolauloa, Oahu.....	700
Court House and Lockup, Waiialua, Oahu.....	1,400
Court House and Lockup, North Kona.....	1,400
Court House and Lockup, Ewa.....	1,400
Court House and Lockup, Nawiliwili, Kauai.....	600
New Roof, Court House, Waimea, Kauai.....	250
Extension of Fish Market, Honolulu.....	1,000
For building Market-house in Lahaina.....	3,000
Repairs of Government Buildings.....	10,000

 \$461,276

FINANCE DEPARTMENT.

Salary of Minister.....	\$ 10,000
Salary of Registrar of Public Accounts.....	4,000
Salary of Collector General.....	6,000
Salary of Deputy Collector.....	3,600
Salary of Surveyor and Guard.....	2,400
Salary of Store Keeper.....	2,400
Salary of Statistical Clerk.....	2,400
Assistant Guards, Honolulu and other ports.....	1,800
Incidentals Custom House.....	1,500
Collector and Harbor Master, Kawaihae.....	400
Collector and Harbor Master, Kealahou.....	200
Custom House Boat.....	800
Hospital Fund(estimated receipts).....	6,000
Pay of Tax Assessors not to exceed 5 per cent.....	17,000
Pay of Tax Collectors not to exceed 5 per cent.....	13,500
National Debt falling due.....	90,000
Interest on National Debt.....	70,000
Incidentals Finance Department.....	2,000
Salaries due and unpaid, as per Table C.....	150
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	\$234,150

ATTORNEY GENERAL'S DEPARTMENT.

Salary of Attorney General.....	\$10,000
Salary of Clerk of Att'y General.....	2,400
Incidentals & Traveling expenses.....	1,000
Salary of Marshal of the Kingdom.....	6,000
Salary of Sheriff of Hawaii.....	4,000
Salary of Sheriff of Maui.....	4,000
Salary of Sheriff of Kauai.....	2,000
Salary of Clerk of Sheriff, Hawaii.....	1,000
Salary of Clerk of Sheriff, Maui.....	1,000
Apprehension of Criminals.....	3,000
Police of Oahu and Deputy Constables.....	35,000
Police of Maui.....	11,808
Police of Hawaii.....	9,792
Police of Kanai.....	5,208
Incidentals of Police Service.....	1,000
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	\$97,208

• BUREAU OF PUBLIC INSTRUCTION.

Salary of Inspector General.....	\$ 4,000
Salary of Clerk of Board.....	3,600
For Support of Hawaiian and English Schools.....	43,000
For support of Common Schools.....	18,000
Printing, &c., of Hawaiian Geography.....	3,500

Stationery and Incidentals.....	\$ 700
Reformatory School.....	10,500
Building new School Houses.....	2,000
Endowment of Scholarships.....	360
Census of 1872.....	3,600
Medical Education of Hawaiian Youth.....	3,000
For maintenance of a National Museum.....	300

RECAPITULATION.

Civil List.....	\$ 50,000
Permanent Settlement.....	12,000
Legislature and Privy Council.....	15,500
Judiciary Department.....	73,450
Department of Foreign Affairs and War.....	94,100
Interior Department.....	461,276
Finance Department.....	234,150
Attorney General's Department.....	97,208
Bureau of Public Instruction.....	92,560

\$1,130,244

SECTION 2. The Minister of Finance shall credit the appropriations of the last Biennial Fiscal Period all the amounts appropriated by the Act approved the 22d day of July A. D. 1870 and remaining unexpended on the 31st day of March 1872 not otherwise specially re-appropriated, and such amounts shall be deemed no longer available for the objects for which they were originally appropriated.

SECTION 3. The Minister of Finance shall continue to pay the salaries appropriated by this Act, the compensation of Soldiers and Constables, the expenses of the Fire Department, of the Supreme and Circuit Courts, Exchequer Bills and Government Stocks, and the interest accruing thereon, until the 30th day of June A. D. 1874, unless new appropriations are made before that date.

SECTION 4. The Minister of Finance shall not cause or allow to be paid from the Treasury, any money for objects not provided for by this law; provided however, that all sums temporarily deposited in the Treasury, for which Certificates of Deposit are issued, and the interest thereon may be paid when due, without special appropriation for that object.

SECTION 5. It shall be lawful for the Heads of Departments, in cases where special appropriations may fall short, to apply to same the surplus of other special appropriations in the same Department, not required to be expended, so as to make up the deficiency; each Head of Department duly accounting to the Legislature for such transfer; but in no case shall appropriations for internal improvements in one Gubernatorial division be transferred to another.

SECTION 6. No person holding more than one office for which salaries are provided, shall be authorized to draw for more than the salary of the highest grade of office held by him, if the salary of any office held by him shall amount to Two Thousand Dollars or more per annum, and he shall be entitled to no other or further compensation.

SECTION 7. This Act shall take effect from and after the date of its passage.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXXVI.

RESOLUTION.

WHEREAS, by the 39th Section of the Civil Code the Minister of Interior is charged, among other things with the custody and supervision of all Government lands, buildings, etc., not expressly placed in charge of some other officer.

And whereas, for the sake of uniformity it has been enacted during the present session that the premises and buildings known as the "Hawaiian Hotel," in Honolulu shall be conveyed to the Minister of Interior, for the use and benefit of the Hawaiian Government:

And whereas, the payment of the interest on a part of the Bonds, which the Minister of Finance has been authorized to issue, to provide for the purchase of said Hotel and premises, is, by the

aforesaid enactment, made dependent upon the rents and profits derived from the said property;

Now Therefore, be it Resolved, that the Minister of Finance be and is hereby charged with the supervision and care of the said Hawaiian Hotel, in so far as the interest of the Public Treasury, therein is concerned.

Approved this 29th day of July A. D. 1872.

KAMEHAMEHA R.

CHAPTER XXXVII.

RESOLUTION.

WHEREAS, certain seamen who were on board the Hawaiian whaling vessels that were wrecked in the Arctic Ocean, in the year 1871, were returned to this Port on board of Foreign Vessels, and, Whereas, it is proper that reasonable compensation should be made to the owners of the vessels on which they were returned: Therefore,

Be it Resolved: That the Minister of Finance is hereby authorized to pay out of the Public Treasury, from any moneys not otherwise appropriated, at the rate of fifty (50) cents per day for each seaman returned, for each day that he was on board such returning vessel.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

POSTAL CONVENTION

BETWEEN THE

UNITED STATES OF AMERICA AND THE HAWAIIAN KINGDOM.

The undersigned being thereunto duly authorized by their respective Governments, have agreed upon the following articles, establishing and regulating the exchange of correspondence between the United States of America and the Hawaiian Kingdom.

ARTICLE I. There shall be an exchange of correspondence between the United States of America and the Hawaiian Kingdom, by means of the subsidized line of the United States mail steamers plying between San Francisco and Honolulu, as well as by occasional steamers, and by sailing vessels running between Honolulu and the ports of San Francisco, California, Portland, Oregon, or ports in Puget Sound, Teekalet, Olympia, and Port Townsend, comprising letters, newspapers, and printed matter of every kind, originating in either country, and addressed to and deliverable in the other country.

ARTICLE II. San Francisco, New York, Boston, Portland, Oregon, Teekalet, Olympia and Port Townsend shall be the United States offices of exchange, and Honolulu and Hilo the Hawaiian offices of exchange, for all mails transmitted between the two countries under this arrangement.

ARTICLE III. The United States office shall defray the expenses of the sea conveyance of all mails transmitted in both directions by means of its subsidized line of mail steamships, so long as said line is maintained by the government of the United States; and the Hawaiian office shall defray the expenses of the sea conveyance of all mails transmitted, in both directions, by means of occasional steamships or by sailing vessels.

ARTICLE IV. No accounts shall be kept between the post office departments of the two countries upon the correspondence ex-

changed between them, but each country shall retain to its own use the postages which it collects.

The single rate of international letter postage shall be six cents on each letter weighing half an ounce or less, and an additional rate of six cents for each additional weight of half an ounce or fraction thereof, which shall in all cases be fully prepaid, by means of postage stamps, at the office of mailing in either country. If not fully prepaid, they shall not be forwarded. Letters received in either country from the other shall be delivered free of all charge whatsoever.

The United States office shall levy and collect on newspapers, (whether transient or sent to regular subscribers,) addressed to or received from the Hawaiian Kingdom, the established rates of United States domestic postage; and upon all articles of printed matter, except newspapers, addressed to or received from the Hawaiian Kingdom, a postage charge of four cents per each weight of four ounces or fraction of four ounces.

The Hawaiian post office shall levy and collect on newspapers and other articles of printed matter, addressed to or received from the United States, the regular rates of postage chargeable thereon by the laws or regulations of the Hawaiian Kingdom.

ARTICLE V. Letters mailed in the Hawaiian Kingdom and addressed to countries beyond the United States, with which the United States have direct postal relations, may be forwarded through the United States to their respective destinations, subject to the same additional postage charges as are paid by the inhabitants of the United States to such countries, which, in all cases where prepayment is obligatory in the United States, may be paid by the senders in the Hawaiian Islands, by affixing uncanceled United States postage stamps of sufficient value to effect such prepayment.

On the other hand, prepaid letters from foreign countries, received in and forwarded from the United States to the Hawaiian Kingdom, shall be delivered in said Kingdom free of all charges whatsoever; and letters received in the Hawaiian Kingdom from the United States, addressed to Micronesia or neighboring islands,

will be forwarded to destination, subject to the same conditions as are applicable to correspondence originating in the Hawaiian Kingdom and addressed to those islands.

ARTICLE VI. Every letter dispatched from one country to the other shall be plainly stamped with the words "paid all," in red ink, on the right-hand upper corner of the address, in addition to the date stamp of the office at which it was posted.

ARTICLE VII. Dead letters, newspapers, &c., which cannot be delivered, from whatever cause, shall be mutually returned, without charge, monthly, or as frequently as the regulations of the respective offices will permit.

ARTICLE VIII. The two offices may, by mutual consent, make such detailed regulations as shall be found necessary to carry out the objects of this agreement, such regulations to terminate at any time on a reasonable notice by either office.

ARTICLE IX. This convention shall come into operation on the 1st day of July, 1870, and shall be terminable at any time on a notice by either office of six months.

Done in duplicate and signed in Washington on the 4th day of May, 1870.

[Seal.]

JNO. A. J. CRESWELL,
Postmaster General of the United States.

ELISHA H. ALLEN,
*His Hawaiian Majesty's Envoy Extraordinary
and Minister Plenipotentiary.*

I hereby approve the foregoing convention, and in testimony thereof I have caused the seal of the United States to be affixed.

By the President:

U. S. GRANT.

HAMILTON FISH,

Secretary of State.

WASHINGTON, May 5, 1870.

[Seal.]

All persons are hereby notified that the above Convention is to be regarded, in all its provisions, as part of the public laws of this Kingdom, and respected accordingly.

C. C. HARRIS,

Minister for Foreign Affairs.

Foreign Office, June 20th, 1870.

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ARTICLE VII. The present Treaty shall be ratified by His Majesty the King of the Hawaiian Islands, and by His Imperial Majesty the Tenno, and the ratifications exchanged at Yedo, the same day as the date of this Treaty, and shall go into effect immediately after the date of such exchange of ratifications.

In token whereof the respective Plenipotentiaries have signed this Treaty.

Done at the City of Yedo, this 19th day of August, A. D. One Thousand Eight Hundred and Seventy-one, corresponding in Japanese date to the fourth day of the 7th month of the 4th year of Meiji.

(Signed,)

C. E. DE LONG. [Seal.]
 SAWA IUSANME KIYOWARA NOLUYOSHE. [Seal.]
 TERACHIMA JUSEE FUGIWARA MUNEMORI. [Seal.]

Now, all persons are hereby notified, that the said Treaty is a part of the Law of this Kingdom, and is to be regarded such.

CHAS. C. HARRIS,
 Minister for Foreign Affairs.

Foreign Office, September 27th, 1871.

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